

Chairperson Landry called the regular meeting of the Planning Board to order at 6:30PM. Members present were Chairperson Landry, Patricia Marini, Lou Villanova, Doug Flye, and Christopher Paap. Also present were Kate Powers of LaBella Engineering; Norm Druschel, Building Inspector; and Brett Malafeew, Code Enforcement Officer.

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of February 26, 2024. Patricia Marini made a motion, seconded by Christopher Paap, to accept the February 26, 2024 minutes. All members were in favor.

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of March 12, 2024. Christopher Paap made a motion, seconded by Lou Villanova, to accept the March 12, 2024 minutes. All members were in favor.

Chairperson Landry addressed the first item on the agenda:

**1. Concept discussion by Nicholas Graziose of Gerber Homes for a 6-lot private drive at Orchard View Estates between 3947 and 3933 Walworth-Ontario Road, Town of Walworth, and County of Wayne. Property is zoned R-Residential.**

Doug Flye made a motion, seconded by Lou Villanova, to open the discussion. All members were in favor. Chairperson Landry opened the discussion at 6:32PM.

John Graziose of Gerber Homes came forward to speak before the Board. Mr. Graziose said Gerber Homes is working on the Orchard View Subdivision, and he wants to discuss another phase of the development. Mr. Graziose said they propose to loop the water main from the existing end of the water line at the intersection of Teresa Drive and Mykola Road to Walworth-Ontario Road. Mr. Graziose said Wayne County Water and Sewer Authority said it will be a better pressure balance and distribution, and the Walworth Highway Department prefers this so the main does not need to disturb the road in front of Tops. Mr. Graziose said Gerber Homes proposes to put in a private drive that comes off Walworth-Ontario Road with 6 homes with 40 to 50 feet of frontage at the road. Mr. Graziose said they can run water, and there is sewer at the end of Mykola Road and Teresa Drive that they will run towards Walworth-Ontario Road. Mr. Graziose said they are proposing to make 1-acre lots and the private drive will be a de minimis HOA.

Mr. Paap asked who would own the strip of land coming off Walworth-Ontario Road. Mr. Graziose said each lot would have a strip of that land and then it would have a cross easement across the entire strip. Mr. Graziose said there will be a hammerhead turnaround at the end and meet the requirements for a proper emergency vehicle turnaround.

Chairperson Landry if there were any more comments from the Board or Town staff. No more issues were brought forward.

Christopher Paap made a motion, seconded by Patricia Marini, to change the agenda and put the third item before the second. All members were in favor. Chairperson Landry addressed the third item on the agenda:

**3. Application of Pavan Kumar Tallavajhula for a Site Plan and Special Use permit for a proposed U-Haul Parking and Self-Storage facility at 686 Walworth-Penfield Road, Town of Walworth, and County of Wayne. Property is zoned B-Business (Public Hearing)**

Doug Flye made a motion, seconded by Christopher Paap, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 6:42PM.

Pavan Tallavajhula and Tyler Dufault of Elliott Engineering Solutions came forward to speak before the Board. Mr. Dufault responded to the letter from LaBella Engineering dated December 21, 2023.

December 21, 2023

Mr. Dennis Landry, Planning Board Chair  
Planning Board Members  
Town of Walworth  
3600 Lorraine Drive  
Walworth, NY 14568

RE: 686 Walworth-Penfield Road Site Plan  
Preliminary plan review

Dear Mr. Landry and Planning Board Members:

LaBella Associates has reviewed the proposed preliminary site plans submitted by Elliot Engineering Solutions, dated November 2023. The applicant is proposing to utilize this parcel for a new business including a 2,000 square foot building and associated parking areas. We offer the following comments for your consideration, and we would be happy to discuss these items in more detail at your upcoming Planning Board meeting.

1. The required and available sight distance at the proposed driveway entrance should be noted on the plans. There will be no permits issued by the Town until a NYS Department of Transportation permit for the curb cut has been issued to the applicant.
2. At no point should the driveway grade exceed eight percent. It will also be required that the drive way and parking be paved. All surfaces should accommodate H-20 loading, details should be provided.
3. A detailed erosion and sediment control plan including restoration/seeding/mulching needs to be included with future submissions.
4. A lighting plan should be provided for review including pole heights, building mount locations, foot candle contours and cut sheets of all proposed fixtures including wattages.
5. Proposed landscaping and signage plans should be provided.
6. Colored building elevations with dimensions need to be included with future plan submissions. This should include proposed materials to be used for siding and roofing.
7. Consultation with the fire department should take place to assure there is adequate access and turnaround for fire apparatus.
8. After re-grading the driveway all site grading should be re-evaluated. The current plan shows no clear flow directions for runoff from the west side of the driveway and north side of the building.
9. The gas line along the frontage does not appear to be within an easement, RG&G should be consulted and made aware of this.
10. As noted in our November 30, 2023 letter to the Town, Article IV-Site Plan Review and Approval should be referenced for details to be included on Site Plan submittals.

Thank you for the opportunity to review the project on your behalf. Please feel free to call us if you have any questions.

Sincerely,

**LaBella Associates**



**Michael A. Simon, Civil Regional Leader**

cc (via e-mail): Barbara Goulette, Clerk, Town of Walworth  
T. P. Pavan Kumar  
Elliot Engineering Solutions

Mr. Dufault said he submitted a new site plan so the area of disturbance would be less than one acre, and he agrees with the EAF comments. Mr. Dufault said they have a letter from the DOT regarding the curb cut; they made the land use changes; the project will not be near the federally regulated water body on the property; and they are only planning on the self-storage facility and parking lot at this time. Mr. Tallavajhula said U-Haul does not require much signage. Chairperson Landry said a sign should be placed further to the west to forewarn oncoming traffic. Mr. Dufault said the easement is on file and was provided to the Planning Board, and there is a 12-inch subbase to meet the H-20 loading.

Ms. Powers said the lighting needs to be dark sky compliant, but the fixture in the plan will likely allow uplighting and glare. Chairperson Landry said dark sky compliant lighting is a requirement of the Planning Board.

Chairperson Landry said this application will need to go to the Wayne County Planning Board for their approval.

Chairperson Landry if there were any comments from the public. No issues were brought forward. Christopher Paap made a motion, seconded by Patricia Marini, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 6:59PM.

Chairperson Landry addressed the second item on the agenda:

**2. Application of Sonbyrne Sales, Inc. for a proposed Byrne Dairy Retail Store and Fueling Facility Site Plan and Special Use permit at 1828 Penfield-Walworth Road, Town of Walworth, and County of Wayne. Property is zoned Hamlet. (Public Hearing)**

Lou Villanova made a motion, seconded by Christopher Paap, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:01PM.

Marshall Wynn of Sonbyrne Sales, Inc. came forward to speak before the board. Mr. Wynn said he received a comment letter from LaBella dated April 5, 2024.

April 5, 2024

Mr. Dennis Landry, Planning Board Chairman  
Town of Walworth  
3600 Lorraine Drive  
Walworth, NY 14568

**RE: Planning Board – Site Plan Application, Byrne Dairy, 1828 Walworth Penfield Road (CR 205)  
LaBella Project No. 212141.186**

Dear Mr. Landry and Planning Board members:

LaBella Associates has conducted an initial review of the site plan application prepared by Plumley Engineering dated March 2024 for the proposed Byrne Dairy convenience store and gas station located at subject property 1828 Walworth Penfield Road in the southeast quadrant of the intersection of Walworth Penfield Road (County Route 205) and Ontario Center Road (NYS Route 350).

We offer the following summary of our initial observations and findings and would be happy to discuss the project in further detail at your upcoming meeting. Additional comments may be forthcoming upon further plan review.

**Comments**

1. **Additional Reviews.** The Town is awaiting comments from the New York State Department of Transportation and Wayne County Highway Department. All comments should be submitted and reviewed before moving forward with any approvals to ensure the site is consistent with State and County comments.
2. **Entrance on Ontario Center Road (NYS Route 350).** LaBella suggests the right-in right-out entrance on Ontario Center Road be further channelized to better prevent left-turns from vehicles traveling south on Ontario Center Road.
3. **Basement.** Contractor Note #3 on Sheet C101 indicates that abandoned foundations will be backfilled by the contractor. We ask the applicant to clarify whether this note applies to full basements.
4. **Sanitary Sewer Connection.** At a previous meeting, the applicant had indicated they were amenable to extending a sanitary main along Walworth Penfield Road. We suggest the Board further discuss the logistics of this item with the applicant. Final design choices should be demonstrated within the plan set.
5. **Signage.** Per §143-2 of the Walworth Town Code, where a sign permit is sought in connection with a site plan application, information relating to the issuance of a sign permit shall be included with the site plan application. The Planning Board shall issue an advisory opinion relating to the issuance of any signage within the plan set. We ask the applicant to include details for all site signage within the plan set.

All sign elements must conform with Chapter 143 of the Town Code.

**6. Lighting.** We ask the applicant to confirm whether the area/flood lighting fixtures will be equipped with backlight control shields. We suggest backlight control shields be included on fixtures on the north side of the site at a minimum.

**7. Dumpster.** The applicant has proposed a 6' high chain link fence with PVC slats be installed around the site dumpsters. The Board may want to consider requiring the applicant to upgrade the enclosure to include more substantial materials such as concrete masonry units.

**8. Steep Grading.** Per the Town's Standards, provide appropriate erosion and sediment control measures for the proposed 1 vertical to 2.5 horizontal at the south end of the site. Per Section 2.7.1.6 *"Providing protective measures for slopes in excess of ten percent (10%) and minimizing such steep grading. Terracing of steep slopes should be considered to minimize erosion potential. Slopes greater than one (1) vertical to three (3) horizontal will require both temporary and permanent soil stabilization."*

**9. Stormwater Design.** We request that the applicant review some inconsistencies within the stormwater calculations.

a. Within the Existing Drainage Area E1, the shallow concentrated flow from the drainage area map is listed as 287 feet, compared to the time of concentration calculations, which indicate (80+130) 210 feet of channel flow.

b. Similarly, in Existing Drainage Area E2, the shallow concentrated flow from the drainage area map is 177 feet, compared to the time of concentration calculations, which show 250 feet.

c. The SWPPP (Page 7) indicates redevelopment. The NOI Q4 would imply redevelopment. NOI Q2 indicates new development. We note that portions of the existing drive and house overlap the proposed impervious surfaces, but it is a small portion of this development. Ensure the project is following SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001 Part.I.C.2.d.

**10. Water Quality and Runoff Reduction Volume Development.** Provide a figure which shows the drainage area used for the bioretention basin design and the Cystal Stream Stormwater Chamber.

#### **11. Bioretention Facility Design.**

a. C406 Bioretention Basin Section indicates '24" Planting Soil'. On the same page, the Material Specifications for Bioretention indicate Planting Soil at "2.5' deep". We note that the NYSDEC Stormwater Management Design Manual requires a minimum of 30 inches of planting soil. The calculations included in Appendix J (Water Quality Calculations) appear to include 2.5 feet of planting soil within the design. Applicant to update the Section.

b. Provide additional information regarding the pretreatment provided for the bioretention facility. We anticipate additional comments on the bioretention facility following the revised submission.

c. The site information included in the Water Quality Calculations appears to differ from the provided plans. The existing impervious area on the site within the Drainage Area appears to be 0.12 acres. The calculations indicate 0.190 acres. Similarly, the Proposed Impervious area measures 1.29 acres versus the 1.438 acres shown in the calculations. This impacts the New Impervious Area.

d. The proposed bioretention facility has an underdrain, however, the Water Quality Calculations are for an infiltrating bioretention facility (i.e. no underdrains).

i. We understand the project has HSG B soils.

ii. The two infiltration test locations are more than 200 feet away from the bioretention facility. If the infiltration rate is greater than 0.5 inches/hour at the bio, it could be considered an Infiltration Bio, however, it is not apparent that infiltration testing results are available to confirm.

iii. If an underdrain is used, then the practice should be considered a (non-infiltrating) bio, and the runoff reduction volume is limited to "40% of the volume provided, or WQv, whichever is less". This equates to 739 cubic feet = 0.017 acre feet. This does not meet the minimum RRv required (1,721 CF = 0.040 acre feet). See below.

**Filter Size:**

**Required Elements:**

1. Filter soil shall have a permeability of 0.5 feet/day and a minimum depth of 1.5 feet.

**A<sub>f</sub>** = Area of Bioretention Filter

$$A_f = (WQv * d_f) / (k * (h_f + d_f) * t_f)$$

[Ref: DEC's Stormwater Management Design Manual]

|   |   |       |
|---|---|-------|
| <b>d<sub>f</sub></b> = Filter bed depth (feet)                  | = | 2.5   |
| <b>k</b> = Permeability (feet/day)                              | = | 0.5   |
| <b>h<sub>f</sub></b> = Average water height above filter (feet) | = | 0.25  |
| <b>t<sub>f</sub></b> = Filter drain time (days)                 | = | 2     |
| <b>WQv</b> (cubic feet)   | = | 1,732 |

**A<sub>f</sub>** = 1,574 square feet

**A<sub>f</sub> provided** 1,680 square feet @ Elev. 529

**V<sub>f</sub> (min)** = Minimum volume of treatment system (including pretreatment) = 75% WQV:

**V<sub>f</sub>** = 1,299 cubic feet

**WQV provided = V<sub>f</sub> provided =** 1,848 cubic feet (volume between elevation 526.5 and 529.5)

0.042 ac-ft

**RR<sub>v</sub> Provided (ac-ft) =** 1,732 (80% Volume Provided or WQv, whichever is less)

0.040 ac-ft

12. **Soil Restoration.** The response to question 27a in the eNOI indicates that the “*compacted areas were assigned a post-construction HSG designation that is one level less permeable than existing conditions for the hydrology analysis.*” The modeling provided appears to use “Soil B” in Appendix I (the same as what is shown in Appendix H). The Applicant should consider a different response to 27a or shall modify the proposed modeling condition to HSG C.

13. **Stormwater Discharge.** The ultimate discharge from the stormwater system enters an existing open channel along Walworth Penfield Road (CR 205). The Applicant should ensure that this conveyance is clear and able to receive a point-source discharge from the development. Existing Google Street View of the area indicates a potentially overgrown ditch.

14. **Text Legibility.** Please correct overlapping text written within the bioretention area on Sheet C402.

15. **Signature Block.** We ask the applicant to include a signature block with signature lines for the Planning Board Chair, Building Department, Sewer Department, and Town Engineer on each sheet of the site plan.

Thank you for the opportunity to review this site plan on your behalf. Please feel free to call us if you have any questions.

Respectfully submitted,  
LABELLA ASSOCIATES, D.P.C.  
Kate Powers  
Senior Planner

cc (via e-mail): Donald Young, Esq., Planning Board Counsel  
Julian Clark, PE, Plumley Engineering  
Mike Simon, LaBella Associates  
Wes Pettee, AICP, LaBella Associates

Mr. Wynn said Sonbyrne received an email from the DOT with a request to improve the right-in/right-out on Route 350, which they did on the current site plan. Mr. Wynn said Kevin Rooney of the Wayne County Highway Department wants some minor road widening at the entrance on the County Road. Mr. Wynn said Adam Joswiak, Walworth Sewer Superintendent, approved the plan to connect to the manhole on Route 350 for the sewer, and there will be 2 pumps in case one fails. Mr. Wynn said the dumpster will be hidden and a light closest to Route 350 has been removed. Mr. Wynn said the SWPPP has been updated and submitted, and the signature block has been added to the site plan. Mr. Wynn said a 79 square foot free standing illuminated sign on the northwest part of the property, 2 building signs, and 4 non-illuminated canopy signs are proposed.

Ms. Powers said the applicant will need to address comments 8 through 11 on the LaBella comment letter and should be addressed in the updated SWPPP. Ms. Powers said that a pretreatment area needs to be added to the south side of the property, and the stormwater will discharge to the roadside swale. Mr. Druschel said a 30-inch swale goes across Route 441 and goes into the neighbor across the street, and the Town does not want to impact the neighbor.

Chairperson Landry said this application will need to go to the Wayne County Planning Board for their approval and LaBella needs the opportunity to review the SWPPP.

Christopher Paap made a motion, seconded by Lou Villanova, to designate the Walworth Planning Board as the Lead Agency for this application of Sonbyrne Sales, Inc. for a proposed Byrne Dairy Retail Store and Fueling Facility Site Plan and Special Use permit. All members were in favor. Motion carried.

Patricia Marini made a motion, seconded by Christopher Paap, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:24PM.

Chrisopher Paap made a motion, seconded by Doug Flye, to adjourn the meeting. All members were in favor. Chairperson Landry adjourned the meeting at 7:25PM.

Respectfully Submitted,

Barbara Goulette, Clerk